

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**AT KNOXVILLE**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) No. 3:08-cr-36  
EDDIE GENE FRAKER, ) (Phillips/Shirley)  
Defendant. )

**ORDER**

On July 15, 2008, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed a Report and Recommendation ("R&R") [Doc. 30], in which he recommended that defendant's Motion to Dismiss Indictment [Doc. 16] be denied. The deadline for timely objections has passed with no such objections being filed. Having carefully reviewed the record, this court is in complete agreement with Judge Shirley's thorough analysis of the issues presented. Accordingly, the R&R is **ACCEPTED IN WHOLE**, which the court adopts and incorporates into this ruling, whereby defendant's Motion to Dismiss Indictment [Doc. 16] is **DENIED**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge